

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0992-02
Bill No.: Perfected HCS for HB 258
Subject: Agriculture and Animals; Crimes and Punishment; Criminal Procedure
Type: Original
Date: April 14, 2015

Bill Summary: This proposal modifies the crime of animal trespass.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§ 272.030, 569.098, 578.005, 578.007, 578.040 - Animal Trespass and Tampering with Farm Equipment:

Officials from the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent clients are faced with the enhanced penalties for repeated offenses of animal or livestock trespassing or the new offense of tampering with farm equipment, a new Class A misdemeanor, or a new Class D felony depending on the pecuniary loss.

SPD assumes while the number of new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

In response to similar legislation from 2015 (HB 1129), officials from the **Office of Prosecution Services (OPS)** assumed the proposal would not have a measurable fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

Oversight assumes the OPS and county prosecutors can absorb the additional caseload that may result from this proposal.

Officials from the **Department of Corrections (DOC)** state this bill proposes the creation of the crime of tampering with farm equipment. The penalty associated with this crime is a class A misdemeanor if it does not lead to pecuniary loss in excess of one thousand dollars.

The Department of Corrections does not administer corrections for this offense. If the offense leads to pecuniary loss in excess of one thousand dollars, the penalty associated with the crime is a class D felony.

This is a new felony offense for which DOC would be responsible for administering corrections in the cases in which there were convictions. Because it is a new offense, there is no historical data upon which to base estimates of future impact.

ASSUMPTION (continued)

Current records show 30% of class D felonies are sentenced to prison and 70% are sentenced to probation and assigned to field supervision. The average sentence for a class D felony is 3.5 years. Offenders serving prison sentences for class D felonies spend on average 0.8 years in prison and serve the remainder of their sentences, 2.7 years, under field supervision. Offenders sentenced to probation for a class D felony serve on average three years under supervision.

DOC assumes there will be one new admission to prison and 2 new probation assignments per year following the implementation of the law. It is also assumed that persons sentenced to prison will serve one year in prison and three years under supervision following release from prison; and, persons sentenced to probation will serve three years under supervision following sentencing.

The FY14 average cost of supervision is \$6.72 per offender per day or an annual cost of \$2,453 per offender. The DOC cost of incarceration is \$16.725 per day or an annual cost of \$6,105 per offender.

In summary, DOC assumes one additional person will be incarcerated and nine additional persons would be supervised by the department. The annual cost, estimated by DOC, would be \$9,176 in FY 2016, \$16,235 in FY 2017, and \$21,664 in FY 2018.

Oversight assumes the DOC could absorb the additional costs incarcerating and supervising these few additional persons.

Officials from the **Department of Agriculture, Department of Public Safety - Missouri State Highway Patrol**, and the **Office of State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

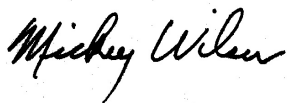
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

State Public Defender's Office
Office of Prosecution Services
Department of Agriculture
Department of Corrections
Department of Public Safety -
Missouri State Highway Patrol
Office of State Courts Administrator



Mickey Wilson, CPA
Director

Ross Strobe
Assistant Director

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